

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID WASHINGTON,

Defendant.

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**DECISION AND ORDER**  
20-CR-29-A

Defendant David Washington, along with seven co-defendants, is charged in a 22-count Superseding Indictment (Dkt. No. 24). Defendant is charged in eight of those counts (Counts 1, 3, 14-19), with charges that include drug conspiracy (Count 1), multiple counts of possession with intent to distribute and distribution of various controlled substances (Counts 3, 14-18), and maintaining a drug-involved premises (Count 19). The case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On November 28, 2022, the Magistrate Judge filed a Report, Recommendation and Order (“RR&O”) (Dkt. No. 490) that recommends granting Defendant’s motion to suppress (Dkt. No. 190) evidence seized from his vehicle on June 21, 2019. No objections to the RR&O were filed by the extended deadline requested by the Government, and the Government has filed a notice (Dkt. No. 513) informing the Court that the Government has elected to not file objections. Because there are no objections to the RR&O, the Court reviews the RR&O on clear error review.

The Court adopts the reasoning of the Magistrate Judge and deems no further discussion necessary.

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the RR&O, it is hereby

**ORDERED** that the RR&O (Dkt. No. 490) is adopted in its entirety; and it is further

**ORDERED** that Defendant's motion to suppress evidence (Dkt. No. 190) is GRANTED.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: January 12, 2023  
Buffalo, New York